

**UNITED STATES COURT OF APPEALS**

**MAR 6 2003**

**TENTH CIRCUIT**

---

**PATRICK FISHER**  
Clerk

GWENDOLYN MISHAUN HENRY-  
FIELDS,

Plaintiff - Appellant,

v.

CALVIN R. BURGESS, in his  
individual capacity and as President  
and CEO; DOMINION  
CORRECTIONAL SERVICES LLC,  
Board Members, Officers, Subsidiaries  
and Stockholders, public and private;  
VICKIE SHOECRAFT, in her  
individual capacity and in the capacity  
as Corporate Officer or Board Member  
of the Dominion Correctional Services  
Limited Liability Corporation, also  
acting in the capacity as Warden of the  
Central Oklahoma Correctional  
Facility; ELIZABETH GIDDINGS-  
STEWART, in her individual capacity  
and in the capacity of Deputy Warden;  
CINDY GILES, in her individual  
capacity and in the capacity as  
Education Director; JO SMITH,  
individually and as Unit Manager;  
JACKIE PERRYMAN, in her  
individual capacity and as Law Library  
Supervisor; CENTRAL OKLAHOMA  
CORRECTIONAL FACILITY;  
CORRECTIONAL MEDICAL  
SERVICES CORPORATION; TEAM

No. 02-6255  
(D.C. No. 01-CV-1353-F)  
(W.D. Oklahoma)

CANTEEN CORPORATION; KAREN COSTA, Law Clerk under supervision of the aforesaid defendants; and LARRY FIELDS, in his individual capacity and as President and Chief Executive Officer of Dominion Correctional Services Limited Liability Corporation,

Defendants - Appellees,

and

CATHY KEATING and DONNA JEAN WILLIAMS,

Defendants.

---

**ORDER AND JUDGMENT\***

---

Before **TACHA**, Chief Circuit Judge, **McKAY** and **BALDOCK**, Circuit Judges.

---

After examining the briefs and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

---

\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This is a *pro se* state prisoner 42 U.S.C. § 1983 civil rights appeal. Ms. Henry-Fields filed her complaint seeking redress for numerous alleged violations of her constitutional rights. Among other things, she alleged deliberate indifference to her medical needs and that the conditions of confinement at Central Oklahoma Correctional Facility pose a substantial risk to the inmate population. The magistrate judge issued a report and recommendation detailing each of Ms. Henry-Fields' claims.

After consideration of Ms. Henry-Fields' objections, the district court adopted the magistrate judge's report and recommendation. The district court denied Ms. Henry-Fields' request for class certification, granted Dominion Defendants'<sup>1</sup> Motion for Summary Judgment because Appellant failed to exhaust administrative remedies, and dismissed the claims against Defendants Correctional Medical Services, Inc., and Karen Costa pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. Ms. Henry-Fields appeals to this court.

After a thorough review of the briefs and the record, and for substantially the same reasons set forth in the district court's well-reasoned July 26, 2002,

---

<sup>1</sup> The Dominion Defendants are: Dominion Correctional Services, L.L.C., Central Oklahoma Correctional Facility, Larry Fields, Calvin Burgess, Vickie Shoecraft, Elizabeth Giddings-Stewart, Denema Merrill, Josh Johnston, Kelly George, Dana Holden, Ken Goble, Cindy Giles, Jo Smith, Jackie Perryman, and Robert Cartwright. See Rec., Vol. 3, Doc. 97, at 7 n.6-7.

Order adopting the magistrate judge's report and recommendation, we hold that no relief is available to Ms. Henry-Fields pursuant to § 1983.

The decision of the trial court is AFFIRMED.

Entered for the Court

Monroe G. McKay  
Circuit Judge